



DOCKET NO. GYN-5009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas Ryan et al.

Serial No.: 10/674,453 Art Unit: 3731

Filed : September 30, 2003 Examiner: N/A

For : ELECTROSURGICAL INSTRUMENT AND METHOD FOR TRANSECTING AN ORGAN

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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(Date of Deposit)

Melissa J. Szanto

(Name of applicant, assignee, or Registered Representative)

Melissa J. Szanto  
(Signature)

Jan 7, 2004  
(Date of Signature)

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUBMISSION OF COMBINED DECLARATION AND POWER OF ATTORNEY

Dear Sir:

Pursuant to Rule 53(f) and Rule 54, please find enclosed a Combined Declaration and Power of Attorney for the application of Thomas Ryan et al. entitled Electrosurgical Instrument And Method For Transecting An Organ attorney Docket No.GYN-5009, to complete, pursuant to Rule 51, this application filed on September 30, 2003 by Express Mail pursuant to Rule 10. As required, a copy of the Notice to File Missing Parts of Application is also attached.

Please charge Johnson & Johnson Deposit Account No. 10-0750/GYN-5009/MJS in the amounts of \$130.00 for submission of the Declaration pursuant to Section 1.16(e). The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 10-0750/GYN-5009/MJS. This sheet is submitted in triplicate.

Respectfully submitted,

Melissa J. Szanto

Melissa J. Szanto  
Reg. No. 40,834  
Attorney for Applicant(s)

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-1365



Please type a plus sign (+) inside this box

PTO/SB/01 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

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**DECLARATION  
AND  
POWER OF ATTORNEY  
FOR UTILITY OR DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted with Initial Filing       Declaration Submitted after Initial Filing (Surcharge (37 CFR 1.16(e)) required)  
OR

Attorney Docket Number	GYN-5009
First Named Inventor	Thomas Ryan
<b>COMPLETE IF KNOWN</b>	
Application Number	10/674453
Filing Date	September 30, 2003
Group Art Unit	N/A
Examiner Name	N/A

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**ELECTROSURGICAL INSTRUMENT AND METHOD FOR TRANSECTING AN ORGAN**  
*(Title of the Invention)*

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) **09/30/2003** as United States Application Number or PCT International Application Number **10/674453** and was amended on (MM/DD/YYYY)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES      NO
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

## DECLARATION - Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
		Patented Patented Patented

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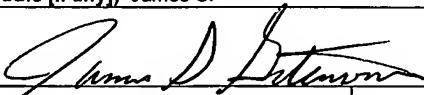
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) Thomas		Family Name or Surname Ryan		
Inventor's Signature		Date		
Residence: City	Flemington	State	N.J.	Country U.S.A.
Mailing Address 16 Fieldstone Place				
City	Flemington	State	N.J.	ZIP 08822
		Country U.S.A.		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.				
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) Rebecca		Family Name or Surname Leibowitz		
Inventor's Signature		Date		
Residence: City	Scotch Plains	State	N.J.	Country U.S.A.
Mailing Address 2094 Princeton Avenue				
City	Scotch Plains	State	N.J.	ZIP 07076
		Country U.S.A.		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.				
NAME OF THIRD INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) Roddi J.		Family Name or Surname Simpson		
Inventor's Signature		Date		
Residence: City	Watchung	State	N.J.	Country U.S.A.
Mailing Address 679 Mountain Boulevard, #3				
City	Watchung	State	N.J.	ZIP 07069
		Country U.S.A.		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF FOURTH INVENTOR:	<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any]) James S.		Family Name or Surname	Gatewood
Inventor's Signature 	Date 11-19-2003		
Residence City Chesapeake	State VA	Country U.S.A.	Citizenship U.S.A.
Mailing Address 601 San Pedro Drive			
City Chesapeake	State VA	ZIP 23322	Country U.S.A.

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(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY) 09/30/2003 as United States Application Number or PCT International Application Number 10/674453 and was amended on (MM/DD/YYYY)       

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	NO
			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

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Application Serial No.	Filing Date	Status
		Patented Patented Patented

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AND

Practitioner(s) named below:  
Name Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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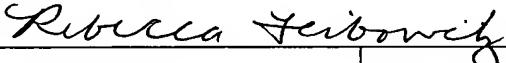
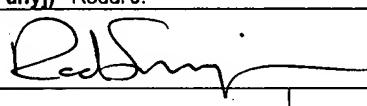
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NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Thomas		Family Name or Surname Ryan	
Inventor's Signature 	Date 19 NOV 03		
Residence: City Flemington	State N.J.	Country U.S.A.	Citizenship U.S.A.
Mailing Address 16 Fieldstone Place			
City Flemington	State N.J.	ZIP 08822	Country U.S.A.
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NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Rebecca		Family Name or Surname Leibowitz	
Inventor's Signature 	Date 21 Nov 03		
Residence: City Scotch Plains	State N.J.	Country U.S.A.	Citizenship U.S.A.
Mailing Address 2094 Princeton Avenue			
City Scotch Plains	State N.J.	ZIP 07076	Country U.S.A.
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NAME OF THIRD INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Roddi J.		Family Name or Surname Simpson	
Inventor's Signature 	Date 11/19/03		
Residence: City Watchung	State N.J.	Country U.S.A.	Citizenship U.K.
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Given Name (first and middle [if any]) James S.		Family Name or Surname	Gatewood
Inventor's Signature	Date		
Residence: City Chesapeake	State VA	Country U.S.A.	Citizenship U.S.A.
Mailing Address 601 San Pedro Drive			
City	Chesapeake	State VA	ZIP 23322
			Country U.S.A.